

REBECCA BARNES,)
)
Plaintiff,)
)
vs.) Case No. 1:08CV0131 JCH (AGF)
)
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

This matter arises on the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig, filed August 11, 2009 (Doc. No. 22). See 28 U.S.C. §636. Magistrate Judge Fleissig concludes that the Administrative Law Judge's finding that Plaintiff was not disabled was not supported by substantial evidence on the record, and that the services of a Vocational Expert (VE) are required for this case, in light of Plaintiff's environmental restrictions. Magistrate Judge Fleissig recommends that the Court remand this matter to the Commissioner for further proceedings, pursuant to Sentence Four of 42 U.S.C. § 405(g). Neither party has filed objections or otherwise responded to the Report and Recommendation.

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will remand this matter to the Commissioner for further administrative proceedings. Specifically, this order of remand requires the Commissioner to employ the services of a VE to determine if Plaintiff is disabled, in light of Plaintiff's environmental restrictions.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 22) is adopted and incorporated herein.

IT IS FURTHER ORDERED that, pursuant to Sentence Six of 42 U.S.C. § 405(g), this matter is reversed and remanded to the Commissioner for further proceedings consistent with the Magistrate Judge's Report and Recommendation (Doc. No. 22) and with this Order. A separate Order of Remand shall accompany this Order.

Dated this 31st day of August, 2009.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE